

United States Senate

WASHINGTON, DC 20510-0803

November 22, 2010

The Honorable Lisa Jackson
Environmental Protection Agency, Administrator
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Room 3000
Washington, DC 20460

Dear Administrator Jackson:

I want to begin by thanking you for the progress that EPA is making in revising regulations governing coal waste.

You may recall that in March 2010 I joined Senator Boxer in a resolution that asked EPA to immediately conduct a review of all coal combustion waste impoundments and landfills to better protect the safety of Americans and the environment of any area that may be threatened by a spill or release. In addition, the resolution asked that EPA propose and finalize rules as quickly as possible to regulate coal combustion waste under the Resource Conservation and Recovery Act using this new information. I am pleased that EPA is meeting this request.

As EPA pursues avenues for regulation, however, let me also ask your team to keep in mind that coal waste often does have alternative uses. It is my understanding that over 40 percent of coal waste is recycled into gypsum wallboard and cement products, and other secondary products, which—when combined—have a market value of more than \$1 billion annually. As the co-chair of the Recycling Caucus in the Senate, I hope there is a way that EPA can protect public health, while also keeping in mind the effects that its new rules could have on a thriving coal waste recycling industry.

I trust that EPA will take a commonsense approach as it crafts these regulations, keeping in mind our country's challenging economic situation, and the need to ensure that—where possible—the policies we implement create new jobs and protect existing ones, as we endeavor to better protect our environment and public health. Thanks very much for your consideration of these points. With best personal regards, I am,

Sincerely yours,

A handwritten signature in black ink that reads "Tom Carper". The signature is fluid and cursive, with the first name "Tom" and last name "Carper" clearly distinguishable.

Thomas R. Carper
United States Senator